| 1 2 3 4 5 6 7 8 9 10 | BILL LOCKYER Attorney General of the State of California RICHARD M. FRANK Chief Assistant Attorney General THEODORA BERGER Assistant Attorney General THOMAS G. HELLER (State Bar #162561) Deputy Attorney General 300 South Spring Street Los Angeles, CA 90013 Telephone: (213) 897-2628 Fax: (213) 897-2802  Attorney for CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL  FILE D SUPERIOR COURT COUNTY OF SAN BERNARDINC SAN BERNARDINO DISTRICT  MAR 1 7 2003  BY  DEPUTY  SUPERIOR COURT OF CALIFORNIA |     |  |  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|--|
| 11                   | COUNTY OF SANBERNARDINO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |  |  |
| 12                   | SAN BERNARDINO DISTRICT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |  |  |
| 13                   | Case No.: SCVSS 100334                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |  |  |
| 14                   | CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL, NOTICE OF ENTRY OF                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |  |  |
| 15                   | Plaintiff, JUDGMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |  |  |
| 16                   | v.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |  |  |
| 17<br>18             | BADJR TRANSPORTATION, INC.; and BERNARD A. DEKAY,                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |  |  |
| 19                   | Defendants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |  |  |
| 20                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
| 21                   | PLEASE TAKE NOTICE that on February 27,2003, the Court entered judgment in the                                                                                                                                                                                                                                                                                                                                                                                                                                 | nis |  |  |
| 22                   | action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |  |  |
| 23                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
| 24                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
| 25                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
| 26<br>27             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
| 28                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |  |  |
|                      | 1<br>NOTICE OF ENTRY OF JUDGMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |  |  |
|                      | NOTICE OF ENTRY OF JUDGMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |  |  |

| 1             | A copy of the judgment is attached as Exhibit 1.  |  |  |
|---------------|---------------------------------------------------|--|--|
| 2             | Dated: March 14,2003.                             |  |  |
| 3             | Respectfully submitted,                           |  |  |
| 4             | BILL LOCKYER<br>Attorney General                  |  |  |
| <b>5</b><br>6 | RICHARD M. FRANK Chief Assistant Attorney General |  |  |
| 7             | THEODORA P. BERGER                                |  |  |
| 8             | Senior Assistant Attorney General                 |  |  |
| 9             | The Helle                                         |  |  |
| 10            | THOMAS G. HELLER                                  |  |  |
| 11            | Deputy Attorney General                           |  |  |
| 12            | Attorneys for the Department of Toxic Substances  |  |  |
| 13            | Control                                           |  |  |
| 14            |                                                   |  |  |
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|          | EVUIDIT 1                                                   |                                                               |  |  |
|----------|-------------------------------------------------------------|---------------------------------------------------------------|--|--|
| 1        | EXHIBIT 1                                                   |                                                               |  |  |
| 2        |                                                             |                                                               |  |  |
| 3        |                                                             | FILED-Central District SUPERIOR COUNTY                        |  |  |
| 4        | FILED-Central CISCUST SUPERIOR COUNTY SAN BERNARDING COUNTY |                                                               |  |  |
| 5        | FEB 273                                                     |                                                               |  |  |
| 6        | FEB 273  By _ Susan Malmbara juity                          |                                                               |  |  |
| 7        | By —                                                        |                                                               |  |  |
| 8        | SUPERIOR COURT OF CALIFORNIA                                |                                                               |  |  |
| 9        | COUNTY OF SANBERNARDINO                                     |                                                               |  |  |
| 11       | CALIFORNIA DEPARTMENT OF TOXIC                              | Case No.: <b>100334</b>                                       |  |  |
| 12       | SUBSTANCES CONTROL,                                         | [P <del>ROPOSE</del> D] JUDGMENT TO<br>COLLECT ADMINISTRATIVE |  |  |
| 13       | Plaintiff,                                                  | PENALTY (Health and Saf. Code, § 25184.1)                     |  |  |
| 14       | V.                                                          |                                                               |  |  |
| 15       | BADJR TRANSPORTATION, INC.; and BERNARD A. DEKAY,           |                                                               |  |  |
| 16       | Defendants.                                                 |                                                               |  |  |
| 17       |                                                             |                                                               |  |  |
| 18       | On the application of the California Department of Tox      | ic Substances Control under Health and                        |  |  |
| 15       | Safety Code section 25184.1, IT IS ORDERED that the D       |                                                               |  |  |
| 20       | shall recover from defendants BADJR Transportation, In      | c. and Bernard A. DeKay, jointly and                          |  |  |
| 2'       | severally, the sum of \$190,730.00.                         |                                                               |  |  |
| 2:<br>2. | Dated: FEB 2 7 2003                                         |                                                               |  |  |
| 2.       | James A, I                                                  | Ēdwar <b>ds</b>                                               |  |  |
| 2        |                                                             |                                                               |  |  |
| 2        |                                                             |                                                               |  |  |
| 2        |                                                             |                                                               |  |  |
| 2        | 1                                                           |                                                               |  |  |
|          | JUDGMENT TO COLLECT ADMINIST                                | RATIVE PENALTY                                                |  |  |
|          |                                                             |                                                               |  |  |

**DECLARATION OF SERVICE BY MAIL** 1 California Department of Toxic Substances Control v. BADJR Transportation, Inc. and 2 Re: Bernard A. DeKay 3 San Bernardino Superior Court No. SCVSS 100334 4 5 I, CAROL CHOW, declare: 6 I am over the age of 18 years and not a party to the within action. My business address is 300 South Spring Street, Los Angeles, California 90013, in the County of Los Angeles. 7 I am familiar with the business practice at the Office of the Attorney General for collection 8 and processing of correspondence for mailing with the United States Postal Service. In accordance 9 with that practice, correspondence placed in the internal mail collection system at the Office of the 10 Attorney General is deposited with the United States Postal service that same day in the ordinary 11 12 course of business. On March 14, 2003, at my place of business, at Los Angeles, California, a true copy of the 13 attached NOTICE OF ENTRY OF JUDGMENT was placed for collection in the United States 14 Postal Service at the Office of the Attorney General, 300 South Spring Street, Los Angeles, 15 California 90013, in a sealed envelope, postage fully prepaid, addressed to: 16 17 Mr. Bernard A. DeKay, Jr. 12384 Baker Avenue Chino, CA 91710 18 BADJR Transportation, Inc. 19 10575 Banana Avenue 20 Fontana, CA 92337 21 David McDonnell, Esq. 23704-5 El Toro Blvd., #161 Lake Forest, CA 92630 22 I declare under penalty of perjury under the laws of the State of California that the foregoing 23 is true and correct, and that this declaration was executed at Los Angeles, California on March 14, 24 25 2003. 26

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